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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,418	09/30/2003	Bruce A. Phillips	020366-091000US	8049

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/676,418	Applicant(s) PHILLIPS ET AL.	
	Examiner Keith T. Ferguson	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-97 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites the limitation "the video signal" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11, 16-30, 35-39, 45-54, 58, 59, 62-68, 73-77, 83-91 and 94-96 are rejected under 35 U.S.C. 102(e) as being anticipated by Stevens.

The claimed invention reads on Stevens as follows:

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Regarding claims 1-11, 16-19, 24-30, 35-39, 45, 46, Stevens discloses a relationship between an emergency warning system (information provider) (fig. 1 number 102) and a plurality of subscribers (fig. 1 number 112), each of the subscribers being associated with a GMSC gateway (alert gateway) (fig. 2 number 136) and a corresponding distribution address (col. 3 lines 40-63), a system (fig. 1 number 100) for providing a weather alert to a subscriber (col. 2 lines 23-49), the system comprising: a controller (alert receiver) configured to receive an alert message from at least one alert source (col. 2 lines 23-42), the alert message being pertinent to at least one of the subscribers (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16) and comprising an weather alert and associated alert information (col. 2 lines 17-22), the alert information providing information about the alert (col. 2 lines 17-49 and col. 3 line 1 through col. 4 line 16), such the alert information can be analyzed to determine whether a particular subscriber should receive the alert (col. 3 line 23 through col. 4 line 16); MSC/VLR (alert distribution device) (fig. 2 number 140a) in communication with the alert receiver (fig. 1 number 104) and further in communication with a wireless communication network (fig. 2 number 106), wherein the alert distribution device is configured to: select, based on the alert information, a set of

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one or more distribution addresses to which the alert applies (col. 3 lines 23-56); and transmit the alert to the selected set of distribution addresses via the communication network (col. 3 line 23 through col. 4 line 16); and an GMSC Gateway (alert gateway) (fig. 2 number 136) in communication with the communication network (col. 3 lines 40-63), wherein the alert gateway is: associated with one of the distribution addresses (col. 3 lines 40-63); adapted to receive the alert from the alert distribution device (col. 3 line 23 through col. 4 line 16); and configured to forward a prerecorded voice message (take at least one specific action) with respect to the alert information (col. 4 lines 5-16).

Regarding claims 20-23 and 59, Stevens discloses the alert comprises audio information (col. 4 lines 10-16), and processing the alert comprises translating the audio information into textual information (col. 6 lines 10-14).

Regarding claims 47-54, 58, 62-68, 73-77, Stevens discloses in a relationship between an emergency warning system (information provider) and a plurality of subscribers (fig. 1 number 112), each of the subscribers being associated with an GMSC gateway (alert gateway) (fig. 2 number 136) and a corresponding

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distribution address (col. 3 lines 40-63), a method (fig. 4) for providing an alert to a subscriber (fig. 4), the method comprising: receiving an alert message from at least one alert source (col. 2 lines 23-42), the alert message being pertinent to at least one of the subscribers (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16) and comprising an weather alert and associated alert information (col. 2 lines 17-22), the alert information providing information about the alert (col. 2 lines 17-49 and col. 3 line 23 through col. 4 line 16), such the alert information can be analyzed to determine whether a particular subscriber should receive the alert (col. 3 line 23 through col. 4 line 16); selecting, based on the nature of the alert, a set of one or more distribution addresses to which the alert pertains (col. 3 lines 23-56); and transmitting the alert to an alert gateway associated with one of the set of distribution addresses (col. 4 lines 5-16).

Regarding claims 83-91,94-96, Stevens discloses an emergency warning system for providing an alert to a subscriber (fig. 1 and col. 3 line 17 through col. 4 line 16), the system comprising: means for receiving an alert message from at least one alert source (col. 2 lines 23-42), the alert message being pertinent to at least one of the subscribers (col. 2 lines 23-49

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and col. 3 line 23 through col. 4 line 16) and comprising an weather alert and associated alert information (col. 2 lines 17-22), the alert information providing information about the alert (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16), such the alert information can be analyzed to determine whether a particular subscriber should receive the alert (col. 2 lines 23-49 and col. 3 line 23 through col. 4 line 16); means for selecting, based on the nature of the alert, a set of one or more distribution addresses to which the alert pertains (col. 2 lines 23-56); and means for transmitting the alert to the set of one or more distribution addresses to which the alert pertains (col. 4 lines 5-16).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. Claims 12-15, 40-44, 55-57, 78-82, 92, 93 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Hunter et al..

Regarding claims 12-15, 55-57 Stevens discloses a relationship as discussed supra in claims 1 and 47 above. Stevens differs from claim 12 of the present invention in that it does not disclose transmitting a confirmation message to the alert distribution device, wherein the confirmation message indicates that the alert was received by the alert gateway. Hunter et al. teaches a national level host facility broadcast an alert message to DBS Uplink facilities, NWR transmitter, cable head ends (i.e. alert gateways) (fig. 7 numbers 108, 410 and 412, and paragraph 0112 lines 1-15) which relays a confirmation acknowledgement back to the national level host facility broadcast of receiving the alert (fig. 7 numbers 108, 410 and 412, and paragraph 0112 lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stevens with transmitting a confirmation message to the alert distribution device, wherein the confirmation message indicates that the alert was received by the alert gateway in order for the systems controller to log in its storage that the MSC gateway within a pertinent area receive the weather alert so that the controller could concentrate on other areas when providing the weather alert, as taught by Hunter et al..

Regarding claims 40-45, 78-82, 92 and 93, Stevens discloses a relationship as discussed supra in claim 1, 35, 47, 64 and 73 above. Stevens differs from claims 40 and 78 of the present invention in that it does not disclose a confirmation message from the at least one subscriber device indicating that the alert was received. Hunter teaches portable mobile devices (fig. 7 numbers 110a and 110b) sends a confirm receipt that they received the emergency message (paragraph 0112 lines 3-17). To modify Stevens with a confirmation message from the at least one subscriber device indicating that the alert was received in for the system to confirm that the mobile subscribers within the pertinent area received the weather notification, as taught by Hunter et al..

Regarding claim 97, Stevens discloses in a relationship between an emergency warning system (information provider) (fig. 1 number 102) and a plurality of subscribers (fig. 1 number 112), each of the subscribers being associated with an GMSC gateway (alert gateway) (fig. 2 number 136) and a corresponding distribution address (col. 3 lines 40-63), a MSC/VLR (alert distribution device) for providing an alert to a subscriber (col. 3 line 23 through col. 4 line 16), the device comprising: means for receiving an alert message (col. 3 line 23 through col. 4 line 16), the alert message comprising an weather alert and associated alert information (col. 3 line 17 through col. 4 line 16); a controller (fig. 1 number 104) processor in communication with the means for receiving an alert message (col. 2 lines 23-42 and col. 3 line 23 through col. 4 line 16), means for transmitting an alert to an alert gateway (col. 3 line 23 through col. 4 line 16); and a computer-readable storage medium in communication with the processor, the computer-readable storage medium comprising instructions executable by the processor to (fig. 2 number 122 and 124):, each alert gateway being associated with a distribution address (col. 3 lines 40-63); determine, based on the alert information, a set of one or more distribution addresses to which the alert applies (col. 3 lines 40-63); and using the means for transmitting an

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alert to an alert gateway (col. 3 line 23 through col. 4 line 16). Stevens differs from claim 97 of the present invention in that it does not explicit disclose storing on the computer-readable storage medium a directory of alert gateway and transmitting the alert to a set of alert gateways, wherein each of the alert gateways is associated with a member of the selected set of distribution addresses. Hunter et al. teaches memory storage devices within cable TV, DBS headends or ISP entities (gateways) (paragraph 0050 line 1 through paragraph 0052 line 14), and transmitting the alert wherein each of the alert gateways is associated with a member of the selected set of distribution addresses (paragraph 0052 line 14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stevens with storing on the computer-readable storage medium a directory of alert gateways and transmitting the alert to a set of alert gateways, wherein each of the alert gateways is associated with a member of the selected set of distribution addresses in order for the controller to determine the gateways or MSC/VLR within the particular area of the subscriber when forwarding emergency notification, as taught by Hunter et al..

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6. Claims 31-34 and 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Day.

Regarding claims 31-34, 69-72, Stevens discloses a relationship as discussed supra in claims 1, 27, 47, 64 and 65 above. Stevens differs from claims 31 and 69 of the present invention in that it does not disclose displaying a visual alert signal. Day teaches a pager/cellular phone (col. 4 lines 19-24) comprising a LED for displaying an emergency situation (col. 6 lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stevens with displaying a visual alert signal in order for the system to provide the subscribers in a pertinent area an emergency weather alert to be displayed to the user, so that the user could take safety precaution, as taught by Day.

7. Claims 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Safadi et al..

Regarding claims 60 and 61, Stevens discloses a method as discussed supra in claims 47, 58 and 59 above. Steven further discloses a warning system that warns subscriber of an emergency condition using televisions (col. 1 lines 15-31). Stevens differs from claims 60-61 of the present invention in that it does not disclose extracting closed-captioning information from a video signal. Safadi et al. teaches a system for customization a textual information within emergency alert messages (paragraph 0015 lines 9-13) wherein a television extracting closed-captioning information from a video signal (paragraph 0017 line 1 through paragraph 0018 line 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Stevens with extracting closed-captioning information from a video signal in order for the system to provide contextual and graphic information to the subscriber television about an emergency weather alert, as taught by Safadi et al..

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wang (U.S. Patent 6,909,903) discloses a storage medium of a group of gateways to send a notification to a mobile user (col. 5 lines 60-67).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
February 13, 2006

KEITH FERGUSON
PRIMARY EXAMINEE
Keith Ferguson